

## Amendment No. 504

Assembly Amendment to Assembly Bill No. 304

(BDR 42-885)

**Proposed by:** Assembly Committee on Government Affairs**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 304 (§ 5).

ASSEMBLY ACTION		Initial and Date		SENATE ACTION		Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

JRS/BJE



Date: 4/25/2011

A.B. No. 304—Provides for the certification of fire performers and apprentice fire performers. (BDR 42-885)



ASSEMBLY BILL NO. 304—ASSEMBLYMEN BOBZIEN; BENITEZ-THOMPSON,  
HICKEY, SEGERBLOM AND SMITH

MARCH 17, 2011

JOINT SPONSORS: SENATORS LESLIE; AND COPENING

Referred to Committee on Government Affairs

SUMMARY—~~[Provides for the certification of]~~ **Makes various changes relating to fire performers and apprentice fire performers.** (BDR 42-885)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to fire protection; ~~[prohibiting]~~ **codifying in statute the requirement in regulation that a person obtain a certificate of registration before acting as a fire performer; authorizing** a person ~~[from acting]~~ **to act** as a fire performer ~~[unless]~~ **if** the person holds a certificate of registration as ~~[a fire performer or]~~ **an** apprentice fire performer; providing for the application for and issuance of a certificate of registration as ~~[a fire performer or]~~ **an** apprentice fire performer; prohibiting an apprentice fire performer from acting as a fire performer without certain supervision; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Currently, regulations adopted by the State Fire Marshal, who is charged with enforcing all laws and adopting regulations relating to fire prevention, require a person to ~~[obtain from]~~ **apply to** the State Fire Marshal **for** a certificate of registration as a fire performer before entertaining or otherwise performing before an audience using an open flame. (NRS 477.030; NAC 477.630) Any person who knowingly violates any of those laws or regulations is guilty of a misdemeanor. (NRS 477.250)

This bill ~~[enacts similar provisions to replace]~~ **codifies in statute the requirements in** those regulations and adds requirements for both fire performers and apprentice fire performers. Under **section 5** of this bill, a person is prohibited from acting as a fire performer unless the person is the holder of a certificate of registration as a fire performer ~~[or]~~ **, as in existing regulation. Section 5 also authorizes a person to act as a fire performer if the person is the holder of a certificate of registration as an** apprentice fire performer. **Section 5** authorizes the State Fire Marshal to issue either certificate to a person who is at least ~~[14]~~ **18** years of age, submits an application that includes a description of the person's experience as a fire performer or apprentice fire performer and all safety precautions used by the applicant

while acting as a fire performer or apprentice fire performer, and pays an application fee, ~~as~~ prescribed by regulations adopted by the State Fire Marshal. Section 5 also provides for the ~~annual~~ renewal of each such certificate.

Section 6 of this bill prohibits an apprentice fire performer from acting as a fire performer unless the apprentice is directly supervised at all times by a registered fire performer who is at least ~~18~~ 21 years of age. The person supervising must ensure that the apprentice fire performer safely handles and operates any equipment and complies with all applicable laws relating to acting as a fire performer.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. "Apprentice fire performer" means a person who is issued a certificate of registration as an apprentice fire performer pursuant to section 5 of this act.

Sec. 4. "Fire performer" means an entertainer or other performer who performs for an audience using an open flame.

Sec. 5. 1. A person shall not act as a fire performer unless the person is the holder of a certificate of registration as a fire performer or apprentice fire performer issued by the State Fire Marshal pursuant to this section.

2. An applicant for a certificate of registration as a fire performer or apprentice fire performer must:

- (a) Be a natural person who is at least ~~18~~ 18 years of age;
- (b) Make a written notarized application to the State Fire Marshal on a form provided by the State Fire Marshal;
- (c) Submit to the State Fire Marshal a resume setting forth the experience of the applicant as a fire performer or apprentice fire performer and a description of all safety precautions used by the applicant while acting as a fire performer or apprentice fire performer; and
- (d) Pay an application fee ~~not to exceed \$27.50,~~ in an amount prescribed by regulations adopted by the State Fire Marshal.

3. The State Fire Marshal may:

- (a) Issue to any person who applies for either certificate pursuant to subsection 2 a certificate of registration as a fire performer or apprentice fire performer; and
- (b) Renew a certificate of registration as a fire performer or apprentice fire performer to any person who applies for a renewal in a manner specified by the State Fire Marshal and pays a renewal fee ~~not to exceed \$27.50,~~ in an amount prescribed by regulations adopted by the State Fire Marshal.

4. A certificate of registration as a fire performer or apprentice fire performer is valid for ~~1 year after the date it is issued,~~ the period prescribed by regulations adopted by the State Fire Marshal.

Sec. 6. 1. An apprentice fire performer may not act as a fire performer unless, at all times while the apprentice fire performer is acting as a fire performer, the apprentice fire performer is directly supervised by a person who:

- (a) Is at least ~~18~~ 21 years of age; and

1       (b) Is the holder of a certificate of registration as a fire performer issued  
2 pursuant to section 5 of this act.

3       2. While an apprentice fire performer is acting as a fire performer, the fire  
4 performer who is directly supervising the apprentice fire performer shall ensure  
5 that the apprentice fire performer:

6       (a) Safely handles and operates any equipment used by the apprentice fire  
7 performer; and

8       (b) Complies with all applicable laws and regulations concerning acting as a  
9 fire performer.

10      Sec. 7. 1. In addition to any other requirements set forth in sections 2 to  
11 8, inclusive, of this act, an applicant for the issuance or renewal of a certificate of  
12 registration pursuant to section 5 of this act shall:

13       (a) Include the social security number of the applicant in the application  
14 submitted to the State Fire Marshal.

15       (b) Submit to the State Fire Marshal the statement prescribed by the Division  
16 of Welfare and Supportive Services of the Department of Health and Human  
17 Services pursuant to NRS 425.520. The statement must be completed and signed  
18 by the applicant.

19      2. The State Fire Marshal shall include the statement required pursuant to  
20 subsection 1 in:

21       (a) The application or any other forms that must be submitted for the  
22 issuance or renewal of the certificate of registration; or

23       (b) A separate form prescribed by the State Fire Marshal.

24      3. A certificate of registration may not be issued or renewed by the State  
25 Fire Marshal pursuant to section 5 of this act if the applicant:

26       (a) Fails to submit the statement required pursuant to subsection 1; or

27       (b) Indicates on the statement submitted pursuant to subsection 1 that the  
28 applicant is subject to a court order for the support of a child and is not in  
29 compliance with the order or a plan approved by the district attorney or other  
30 public agency enforcing the order for the repayment of the amount owed  
31 pursuant to the order.

32      4. If an applicant indicates on the statement submitted pursuant to  
33 subsection 1 that the applicant is subject to a court order for the support of a  
34 child and is not in compliance with the order or a plan approved by the district  
35 attorney or other public agency enforcing the order for the repayment of the  
36 amount owed pursuant to the order, the State Fire Marshal shall advise the  
37 applicant to contact the district attorney or other public agency enforcing  
38 the order to determine the actions that the applicant may take to satisfy the  
39 arrearage.

40      Sec. 8. 1. If the State Fire Marshal receives a copy of a court order issued  
41 pursuant to NRS 425.540 that provides for the suspension of all professional,  
42 occupational and recreational licenses, certificates and permits issued to a person  
43 who is the holder of a certificate of registration as a fire performer or apprentice  
44 fire performer, the State Fire Marshal shall deem the certificate of registration  
45 issued to that person to be suspended at the end of the 30th day after the date on  
46 which the court order was issued unless the State Fire Marshal receives a letter  
47 issued to the holder of the certificate of registration by the district attorney or  
48 other public agency pursuant to NRS 425.550 stating that the holder of the  
49 certificate of registration has complied with the subpoena or warrant or has  
50 satisfied the arrearage pursuant to NRS 425.560.

51      2. The State Fire Marshal shall reinstate a certificate of registration as a  
52 fire performer or apprentice fire performer that has been suspended by a district  
53 court pursuant to NRS 425.540 if the State Fire Marshal receives a letter issued

1 *by the district attorney or other public agency pursuant to NRS 425.550 to the*  
2 *person whose certificate of registration was suspended stating that the person*  
3 *whose certificate of registration was suspended has complied with the subpoena*  
4 *or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

5 **Sec. 9.** On or before December 30, 2011, the State Fire Marshal shall adopt  
6 any regulations necessary to carry out the amendatory provisions of this act.

7 **Sec. 10.** 1. This act becomes effective upon passage and approval for the  
8 purpose of adopting regulations and on January 1, 2012, for all other purposes.

9 2. Sections 7 and 8 of this act expire by limitation on the date on which the  
10 provisions of 42 U.S.C. § 666 requiring each state to establish procedures under  
11 which the state has authority to withhold or suspend, or to restrict the use of  
12 professional, occupational and recreational licenses of persons who:

13 (a) Have failed to comply with a subpoena or warrant relating to a proceeding  
14 to determine the paternity of a child or to establish or enforce an obligation for the  
15 support of a child; or

16 (b) Are in arrears in the payment for the support of one or more children,

17 ➤ are repealed by the Congress of the United States.